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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,661	06/04/2001	Elad Barkan		1312

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EXAMINER
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ADDY, THJUAN KNOWLIN

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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10/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/871,661	<b>Applicant(s)</b> BARKAN, ELAD	
	<b>Examiner</b> THJUAN K. ADDY	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on July 01, 2008 has been entered. Claims 40, 41, and 42 have been amended. Claims 1-39 have been cancelled. No claims have been added. Claims 40-42 are still pending in this application, with claims 40, 41, and 42 being independent.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US 6,497,599), in view of Xu et al. (US 6,501,732).

3. In regards to claim 40, Johnson discloses a gateway (See Fig. 1A and gateway GPRS support node (GGSN) 36/serving GPRS support node (SGSN 35) to a packet based data network (See Fig. 1A and data network 32) (See col. 4 lines 38-46) comprising: a transceiver (See Fig. 1A – 1B, primary transceiver 25, and data traffic transceiver 27) adapted to establish a radio frequency link with a mobile device (See Fig. 1A and Fig. 1B, mobile unit 20) (See col. 3 lines 25-31); an interface (See Fig. 1A and Fig. 1B, data traffic system controller 40) adapted to facilitate data flow between the

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mobile device and the data network (See col. 4 lines 38-41). Johnson, however, does not disclose a controller adapted to regulate data flow between the mobile device and the data network based on information stored on a consideration related policy database, which is connected to the data network. Xu, however, does disclose a controller (See Fig. 2-3 and data flow controller 120) adapted to regulate data flow between the mobile device (See Fig. 2 and mobile user 19a) and the data network (See Fig. 2 and data network 80) based on information (e.g., buffer size) stored on a consideration related policy database (See Fig. 3 and MSC buffer monitor 126), which is connected to the data network (See col. 5 lines 42-58, col. 6 lines 3-13, and col. 6 lines 55-67). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this limitation within the system and method, as a way of controlling the flow of data from a data network to a mobile user over a wireless link, in order to control the amount of data sent to the mobile switch center, as to avoid overflowing the mobile switch center buffer.

4. In regards to claim 41, Johnson discloses a communication system (See Fig. 1A and mobile communications system 10) comprising: two or more gateways (See Fig. 1A, gateway GPRS support node (GGSN) 36, and serving GPRS support node (SGSN) 35) functionally associated with a packet based data network (See Fig. 1A and data network 32) (See col. 4 lines 38-46); a transceiver (See Fig. 1A – 1B, primary transceiver 25, and data traffic transceiver 27) adapted to establish a radio frequency link with a mobile device (See Fig. 1A and Fig. 1B, mobile unit 20) (See col. 3 lines 25-31); an interface (See Fig. 1A and Fig. 1B, data traffic system controller 40) adapted to

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facilitate data flow between the mobile device and the data network (See col. 4 lines 38-41). Johnson, however, does not disclose a consideration related policy database connected to a packet based data network, and a controller adapted to regulate data flow between the mobile device and the data network based on information stored on a consideration related policy database. Xu, however, does disclose a consideration related policy database (See Fig. 3 and MSC buffer monitor 126) connected to a packet based data network (See Fig. 2 and data network 80), and a controller (See Fig. 2-3 and data flow controller 120) adapted to regulate data flow between the mobile device (See Fig. 2 and mobile user 19a) and the data network based on information (e.g., buffer size) stored on a consideration related policy database (See col. 5 lines 42-58, col. 6 lines 3-13, and col. 6 lines 55-67).

5. In regards to claim 42, Johnson discloses a method of providing data to a mobile device (See Fig. 1A and Fig. 1B, mobile unit 20) (See col. 4 lines 51-54) comprising: establishing a data link between the mobile device and a radio frequency transceiver (See Fig. 1A – 1B, primary transceiver 25, and data traffic transceiver 27) functionally associated with a packet based data network (See Fig. 1A and data network 32) (See col. 3 lines 25-31). Johnson, however, does not disclose regulating data between the mobile device and the packet based data network based on information stored on a consideration related policy database which is connected on the network. Xu, however, does disclose regulating data (for example, via data flow controller 120, See Fig. 2-3) between the mobile device (See Fig. 2 and mobile user 19a) and the packet based data network (See Fig. 2 and data network 80) based on information (e.g., buffer size) stored

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on a consideration related policy database (See Fig. 3 and MSC buffer monitor 126) which is connected on the network (See col. 5 lines 42-58, col. 6 lines 3-13, and col. 6 lines 55-67).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 40-42 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Daly et al. (US 6,807,168) teach a method and system for providing data communication with a mobile station.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/  
Primary Examiner, Art Unit 2614